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And leaves the world in night ;  
 The brightest star of morning's host,  
 Scarce risen, in brighter beams is lost ;  
 Thus sunk his form on ocean's coast,  
 Thus sprang his soul to light.

Who shall forbid the eye to weep,  
 That saw him, from the ravening deep,  
 Pluck'd like the lion's prey ?  
 Forever bow'd his honour'd head,  
 The spirit in a moment fled,  
 The heart of friendship cold and dead.  
 The limbs a wreath of clay.

Revolving his mysterious lot,  
 I mourn him, but I praise him not ;  
 Glory to God be given,  
 Who sent him, like the radiant bow,  
 His covenant of peace to show,  
 Athwart the breaking storm to glow,  
 'Then vanish into heav'n.'



ART. XVI.—*An Inquiry, whether crime and misery are produced or prevented by our present system of prison discipline.*  
 By Thomas Fowell Buxton, Esq. M. P. Sixth edition.  
 London, 1818.

MEN are too much accustomed to consider the guilt of every crime as belonging wholly to the offender. In most cases it is shared between him and the public. For one criminal, who becomes so in spite of all healthful influences, there are forty whose moral diseases may be traced to the imperfection of the laws. They came into life with passions like those of other men, and neither more inclined to evil, nor less open to good discipline, than the purest and wisest of mortals. But the first light, that visited their eyes, disclosed to them examples of vice ; with these by daily repetition they became familiar, and before they could distinguish between good and evil, the lesson of iniquity was too faithfully learned. As they advanced, the only sounds, in which the human voice reached their ears, were those of vulgar depravity ; in the contrivance of evil, and in concealing it by the meanest artifice, their reason was first employed ; they

had no guide or counsellor to warn them of their danger, or to awaken the slumbering conscience. On whatever side they turned, they were assailed by the thousand temptations which society permits or encourages ; and without education, without friends, without the habit of industry, a prey to want and the sport of ungoverned passion, how was it to be hoped, that they could long withstand so many causes combined to destroy them ? In the unhappy man, arraigned at the bar of his country, we see only the perpetrator of crimes, which affect our peace and security ; some emotions of pity we may perhaps feel, but our self-love demands his punishment. We make no inquiry into his past life, nor ask to what contagion he may, perhaps unwillingly, have been exposed. He is guilty, and that others may be deterred from guilt, he must suffer. Such is the reasoning, with which we are in general satisfied.

But ought this reasoning to satisfy the legislator and the moralist ? Is it certain that those, who have enjoyed the light of education, who have never felt the temptation of want, and whose affections have been trained in the school of domestic virtue, have done all that reason and humanity require, to relieve, instruct and amend their less happy brethren—to win them, by gentleness to safer paths, and to rescue them, in the spring-time of life, from debasing associations. Let those, who feel secure in the harmlessness of their lives, who have never harboured a guilty purpose, and have fled from all, that sinks and corrupts the soul, consider well whether they have yet nothing to fear ? They would be startled, perhaps, and affronted, if they should be told, that they are accomplices in the very crimes, of which the thought fills them with horror. But the decrees of heaven are not partial. If it has placed some in circumstances peculiarly favourable to virtue, it has made compensation for this seeming inequality. A solemn duty rests on those, to whom it has imparted its richest blessings ; the light and knowledge they enjoy is not all their own ; the ignorant, the erring and the vicious are committed to their charge and thus participate in their advantages. But if that charge be neglected, the communion of guilt takes the place of that of virtue, and all that is forgiven to those, who have received little, will be visited on those who have received much.

That the proportion of virtue or vice in a community de-  
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pende much on its laws and institutions, will hardly be denied. We familiarly ascribe to this cause the moral differences observable in different nations. Laws indeed are the most powerful agents in moulding the characters of men. Their influence is thus described by Lord Erskine :\* ‘ I must once again impress upon your Lordships’ minds the great, the incalculable effect of wise laws, when ably administered, upon the feelings and morals of mankind. We may be said, my Lords, to be in a manner new created by them. Under the auspices of religion, in whose steps they must ever tread, to maintain the character of wisdom, they make all the difference between the savages of the wilderness, and the audience I am now addressing. The cruelties which we daily deplore, in children and in youth, arise from defect in education, and that defect in education from the very defect in the law, which I ask your Lordships to remedy.’

There are two modes, in which human laws endeavour to restrain and prevent crimes ; first, by the terror of punishment, which may deter those, who are inclined to offend, and supply a contrary motive stronger than that which impels to the offence ;—secondly, by cutting off the sources of immorality, and either preserving the character in its purity, or reforming it when it has been corrupted. It is to the former of these, that attention has been chiefly directed, and though the latter has not been neglected, yet it is probable, that its importance as a subject of legislation has not been sufficiently felt. Mistakes, it is to be feared, have been committed, and in some instances provisions intended to check vice and to diminish suffering have contributed powerfully to increase both.

In an examination before a committee of the English House of Commons in the year 1816, one of the police magistrates being asked to state his opinion of the general system of police, replied, ‘ in my opinion there is too little exertion used in preventing the propagation and growth of crimes, and too much exertion used in punishing them, when they arrive at maturity.’ [Report, p. 87.] This remark may be thought less applicable to the state of criminal law among us. But though the evil may not in this country have reached to so great an extent, our system, it is believed, is liable to the

\* Speech in the House of Lords on introducing a bill for punishing cruelty to animals.

same objection, and the same consequences will inevitably follow, as our population becomes more condensed, and, with the increase of wealth and luxury, temptations and opportunities for crime increase. It is the part of wisdom to take warning, as to this and other evils, from the experience of that country, upon the model of whose laws our own are formed.

The fear of punishment is regarded by many, and we think with reason, as of little effect in preventing crimes, compared with those remedies, which operate more directly on the character by education and discipline, by substituting industry for idleness, and by such a course of moral treatment, as may encourage the growth of good affections, and convince the offender, that he is neither abandoned as an outlaw, nor pursued as an enemy. This preventive legislation is either general and precautionary, directed altogether to amending the morals of the lower classes and removing from them the causes of profligacy and vice;—or it is corrective, and employed in attempting the reformation of offenders, at the same time that their offence is punished. These, it is true, are often blended; for when the law punishes a misdemeanour, it has in view not only the correction of the vicious person, but the suppression of the vice itself, as having a general tendency to encourage licentiousness, and to weaken those restraints on which the peace of society depends. So too, prisons and work-houses intended for the correction of the dissolute, demand the constant exercise of precautionary legislation, to prevent their becoming in themselves sources of corruption, and contributing to increase the profligacy they are intended to suppress. Still the distinction is apparent between those provisions, which would prevent the springing up of crimes, and those, which would eradicate them, when they have appeared. As it is to the improvement of the disciplinary system, that we look as the surest means of diminishing crime, so it is upon that part of it, which anticipates vice and sets a guard against its approach, that we place our main reliance. Education especially, if by any means it can be extended, upon a wise and judicious plan, comprehending religious and moral as well as other instruction, to the children of the poor and of the profligate, affords the delightful anticipation of benefits, to which the mind can find no limits but in perfection. Here then is the noblest

field for the exertions of the philanthropist, and the most deserving claim on the liberality of the public. Legislatures and governments can do little more than encourage and assist those, whose benevolence may prompt them to engage in this generous work. Let them supply pecuniary means, and second the effort by the application of their power, but let them not interfere in the details of the plan. Let these be entrusted, with ample discretionary powers, to those, whose experience and zeal may best qualify them for the task of directing, and of varying the system from time to time, as the trial of its effects may require.

But it may be asked, is there not already ample provision for the poor? Are there not poor-houses, where they may find relief, and schools to which they may send their children, if they will? It is true, that a portion of every man's goods is appropriated by means of taxes to the support of those, who, from whatever cause, are unable or unwilling to support themselves. It is also true, that in this state and in many others, free schools are established; and the benefits already derived from this institution are the surest pledges of what may be hoped from a more perfect system. But it is not this cold, legal charity, that will reform the morals of the poor. You place, indeed, within their reach, the means of educating the young; but you leave it to them to decide, whether these means shall be used. You entrust the decision of a question, involving the safety of society and the best interests of thousands, to those, of whom you cannot expect that they should even know the advantages of knowledge, or desire that their children should be better instructed than themselves; to those, who think they are interested to make their children contribute to their support by begging or thieving, and who will rather instruct them by example and precept in all the frauds and excesses, with which they are themselves familiar, than send them to learn that morality and wisdom, which they have known only to deride. In short you put your peace in the power of those, to whom you would not confide the most trifling article of property.

But it is not only the depraved, who may be expected to withhold from their children the advantages you thus offer them. Many virtuous parents are yet careless and negligent as to the instruction of their families, for no other reason, than that they are ignorant of the benefits of education.

Many too are compelled by want or sickness to employ their children in labour or in begging. We need not suggest to how sure destruction those children are exposed, who are thus sent forth as mendicants. We might here add, that in many towns, the chief care is, that what is deemed a legal obligation should be complied with upon the cheapest terms; that moral instruction is seldom or never given, excepting such as the children may be expected to glean, without assistance or explanation, from the books they read; and that the association of good and bad, together with the freedom from restraint, and exposure to corrupt examples, during the greater portion of the time, can hardly fail to take much from the good effects, that might otherwise be anticipated from free schools.

Of the laws for the relief of the poor, we can at present say little. The predictions long since made of the evils that would flow from them, have been nearly accomplished. What then, it may be asked, are the errors complained of? We answer, that men have been indiscreet both in their charity and in their severity. As to the former, it is thought sufficient to relieve want without inquiry into its causes; to give a premium to idleness, dissipation, and importunate mendicity, while humble and retiring poverty has been overlooked, and the funds that should have cheered its melancholy dwellings have gone to the support of more clamorous and less grateful supplicants. There is a want of personal interest, of real solicitude about the condition of the poor, of discriminating, thoughtful charity.

‘The best way of doing good to the poor,’ says Franklin, ‘is not making them easy in poverty, but leading or driving them out of it. In my youth I travelled much, and I observed in different countries, that the more public provisions were made for the poor, the less they provided for themselves and of course became poorer—and, on the contrary, the less was done for them, the more they did for themselves, and became richer.’ [Works, vol. 2, p. 422.] But we have no where seen the evils of an unreflecting, self-indulgent charity better described, than in a proposal for the management of the poor, published in 1753, by the well-known Fielding, who was, for many years, a magistrate of the county of Middlesex, in England. ‘Every man,’ he says, ‘who hath any property, must feel the weight of that tax, which is levied for

the use of the poor, and every man, who hath any understanding, must see how absurdly it is applied. So very useless indeed is this heavy tax, and so wretched its disposition, that it is a question, whether the poor or the rich are actually more dissatisfied, or have indeed greater reason to be dissatisfied; since the plunder of the one seems so little to the real advantage of the other; for while a million yearly is raised among the former, many of the latter are starved; many more languish in want and misery; of the rest, numbers are found begging or pilfering in the streets to-day, and to-morrow are locked up in gaols and bridewells.' [p. 8.]

The poor-tax is indeed regarded by most men as a sort of black-mail, the payment of which is to absolve them from all farther demands on their money, their time or their patience. The consequence is, that the extent of the wretchedness of the poor, and especially its moral effects, are understood but by few. Their deplorable want of education and employment, their destitution of the ordinary comforts of life, and, what is worse, their stupid willingness to remain in this abject condition, are suspected by those only, who occasionally enter their miserable hovels. But, to use again the words of the writer last quoted, 'if this be the case with the sufferings of the poor, it is not so with their misdeeds. *They starve, and freeze, and rot among themselves; but they beg, and steal, and rob among their betters.*' The offences of the poor force themselves on our notice, and awaken our abhorrence and disgust. Their claims to commiseration are unknown or forgotten. To relieve their wants and to punish their vices are, indeed, both necessary parts of public economy. But we contrive to make them cost us as little thought as possible. For the former, we think it enough if we remove, and for the latter, if we inflict, immediate suffering. So to relieve, as to take away the cause for relieving, and so to punish, as to abate the necessity for punishment, enter little into our consideration.

By these remarks we would not be understood to mean, that there is any necessary and constant connexion between poverty and crime. In the lowest state of want, there are often examples of virtue triumphant over every temptation, enduring with patience the keenest suffering, and preserving a spotless purity in the midst of pollution. But this can only be, where poverty is united with religion and industry;



or where, at least, there is a willingness to work, but checked by the helplessness of age or disease. Now religion and industry are the very blessings, which the rich should endeavour to make more common among the poor; and there is something encouraging in the thought, that from industrious poverty have sprung some of the brightest examples of virtue and wisdom among men. But it cannot be concealed, that abject poverty is a fruitful source of profligacy and crime. Besides its own immediate temptations, and the bad associations to which it necessarily leads, the want of education alone, and the employment of children in begging, are sufficient to account for almost any degree of depravity. It is well said by Count Rumford [Essays, vol. i. p. 19] that ‘the transition from begging to stealing is not only easy, but perfectly natural. That total insensibility to shame, and all those other qualifications, which are necessary in the profession of a beggar, are likewise essential to form an accomplished thief; and both these professions derive very considerable advantages from their union. A beggar, who goes about from house to house to ask for alms, has many opportunities to steal, which another would not so easily find; and his profession as a beggar gives him a great facility in disposing of what he steals; for he can always say, it was given him in charity. No wonder then, that thieving and robbing should be prevalent, where beggars are numerous.’ The truth of this representation has been abundantly confirmed, if it needed confirmation, by experience. In this country, indeed, where labour is so much in demand, and subsistence so easily procured, it is impossible that the causes alluded to should be productive of effects by any means proportioned to their actual malignancy. But, even here, their consequences have been far from inconsiderable, and of what they may one day produce, we may form some opinion from the example of England.

With this view, we shall briefly notice some of the causes of juvenile delinquency, as developed in the examination before a committee of the House of Commons already referred to. There is in the whole course of this interesting investigation no fact so prominent, as the alarming increase of juvenile depredators, and some of the circumstances connected with this subject, which were disclosed in evidence to the committee, are too shocking to be here related. One of

the police magistrates declared, that as far as his observation went, *three fourths* of the offences then committed in London were by boys. It appeared that old and experienced offenders acted upon a regular plan of training up children in the practice of all the arts and frauds, which belong to their vocation; and of sending them, thus instructed, to give proof of their dexterity in shop-lifting and picking of pockets. This course is adopted upon a calculation of the more merciful dispensation of the law in regard to youthful offenders, and these unhappy instruments themselves are rewarded by a small share of the plunder. Children of seven or eight years of age were said to be often seen ‘initiated into the trade of picking of pockets, under the eye of adults, seemingly their mothers.’ There were instances of parents coming to the magistrates with their own children, and complaining that they had been and still were so extremely depraved and incorrigible, that they requested they might be sent to prison, in the hope that some amendment might be effected. [p. 150.] The ordinary of Newgate stated in his examination, that there were then in that prison four boys, who had been upwards of seventy times in custody between them, the youngest being nine, and the oldest thirteen years of age, and the youngest had been capitally convicted. The magistrates, some of them of great experience, who appeared before the committee on that occasion, attribute this increase of early depravity to many different causes, all of which probably have some agency in producing it. But what is more important to us is, that most, if not all, of these causes, exist here as well as there, and must operate in proportion to our population and wealth, though happily, many of them are far less in degree. The testimony of one of the members of a ‘committee for inquiring into the causes of juvenile delinquency,’ is entitled to particular attention. This gentleman declared, that in the course of that year (1816) he had examined seven or eight hundred cases of juvenile delinquents, and when asked what, from those examinations, he had found to be the principal causes of the delinquencies, he replied—‘I take the first cause to be the want of education and instruction; the habit of gambling, particularly on Sundays, untrained; the neglect of the poor, as to any care of their children. We have traced a considerable number of the cases to fairs.’ [p. 250.] The same gentleman states, that of the children he

had visited in the different prisons, *he had found about two thirds to be without education*, and that as to those who stated, they had been in schools, it was found, they had not attended schools with any regularity, nor been enabled to read.' Some could repeat the catechism and commandments, but in general, 'they had spent their Sundays in the fields, and among disorderly young persons.' He mentions the case of one young person, then under sentence of death, and ordered for execution, which affords a striking illustration of the dangers, to which boys are exposed, when destitute of parents, or neglected by them. The father of this lad acknowledged, that he had never given him any religious instruction. It is probable, that in accordance with this neglect, he had left him to choose his associates and his amusements, and had exercised little or no inspection over his conduct. Mark the end. The father's own account of it is, that his son came out of a public house, a resort for thieves and bad women, with seven or eight others, and two or three girls; 'they saw the prosecutor, whom they considered as a little in liquor; the girls attacked him first, and then left him to the young men or boys, who committed the robbery.'—[p. 251.] The other causes mentioned in this report, are the poverty and inability of parents to provide suitable instruction for their children, the laxity of morals among the lower orders of the people, carelessness and desertion of parents, and, in many instances, a state of friendless orphanage, corruption from juvenile companions, non-observance of the Sabbath, falling into company with thieves in consequence of the indigence of parents obliging them to leave their homes, and a most prolific source of crimes, both in young and old,—which we shall have occasion to mention, before we close this article,—the state of prisons.

We deem this subject of early depravity and the means of remedying it, to be the most important connected with the suppression of crime. For we are persuaded, that very few make the first step in iniquity at any advanced stage of life, and probably, not many beyond the period of youth. Much, very much, we believe, remains to be done in this department of reform. Could any means be devised, by which the education of all the young in habits of industry, order, religion and virtue, could be secured, how soon would an astonishing change take place in the face of society! How would our

gaols be emptied of their tenants, and the bars of our courts of justice cease to be crowded with the miserable, squalid victims of ignorance, intemperance, idleness and want? Let it be remembered, that in youth the character is easily susceptible of change, the mind greedy for knowledge, the heart, in general, when skilfully touched, sensible to kindness and compassion.

‘Tis now the time of spring, and weeds are shallow-rooted—  
Suffer them now, and they’ll o’ergrow the garden,  
And choke the herbs for want of husbandry.’

What society then can be more useful in its object, or better deserve to be imitated, than that of which some knowledge may be gained from the examination of one of its members above referred to? The following more extended account is in the words of Mr. Buxton.

‘Let no one imagine, that the representation I have here given of the progress of crime is a fanciful picture, which is seldom, if ever realized. There is a society in this city for the prevention of juvenile delinquency. By the most assiduous labours, by continual visits to boys in prison, and by offering a ready ear to their distresses when out of it, by giving advice to some, small sums of money to others, procuring situations for those, of whom they entertain strong hopes of reformation, by restoring some to their friends, sending some to the country, by taking some as servants into their own families, in short, by every method which active and discreet benevolence could devise, they have procured a fund of information and of evidence, which puts the above statement beyond all dispute. Amongst other records, they have a bulky lexicon of all the slang terms in use; I mention it as a curiosity. But they\*have also a document of great importance—a catalogue of the names, residence and age of several hundred juvenile depredators, the company they keep, the places to which they resort, and, in many instances, a history of their progress in vice, from their first deviation from virtue. They have seen many cases of boys, who, upon their first coming to prison, have kept at a distance from the other prisoners, and appeared grieved and shocked at their situation and companions; by the next visit, this bashfulness had fled, they were mingled amongst the men or the boys; at the next, all difference between them and the oldest offenders had vanished, they had learnt the language, were fluent in the oaths, and doubtless had caught the spirit of their associates. Soon after their exit from jail, these gentlemen generally receive tidings, that such a boy had been very clever, meaning that he

had been very successful. Before long, they recognize him in some other prison, and hear from the turnkey, that he is a most desperate and wicked character.' p. 58.

We have spoken of two of the principal evils of poverty, by which it tends more than any other cause to the increase of profligacy. They are, want of education for the young, and their exposure to corrupting associations. Idleness is the companion of extreme poverty, and is often a continuance of its producing cause. It is this which lends strength to all the temptations, to which that state is exposed.—Of the force of these temptations, and the firmness of principle necessary to resist them, all may judge. There is besides in this condition a tendency to irritate and embitter the feelings, to excite murmuring and discontent at the distinctions of society, and the unequal distribution of property, envy at the comforts of such as have been more favoured in respect to fortune, and a wish to make them feel the extent of that wretchedness, upon which they are supposed willingly to shut their eyes. It is obviously not strange that in rude and uncultivated minds, occupied only with the thoughts of their own suffering, these causes should produce a sullen disregard of the rights of property, and a desperate defiance of the laws, made to protect them. It is easy for these unfortunate men to convince themselves, that they are absolved from all obligation to support institutions, the benefits of which they do not feel, and to regard laws, as invented by the rich, to secure themselves in the possession of their advantages, and to keep the poor in a state of humiliation. They too readily adopt the suggestion of the poet,

‘Laws grind the poor, and rich men rule the law.’

We mention these things, not to excite indignation against the poor, or that they may be considered as enemies. There is already too much of that feeling, and some part of the profligacy, that exists, may, we are persuaded, be ascribed to it. We mention them as arguments for a compassionate treatment of offenders, and a fair experiment of what may be done by patience and kindness. ‘The sentiment,’ says Wakefield, ‘which every judge and magistrate should wear at his phylactery, is to have compassion on the ignorant, and on them, that are out of the way ; for that he himself also is

compassed with infirmity.' No doubt, there is some difficulty in this. We must assent in part to the truth of the remark elegantly made by the same writer, that 'the heart, perpetually conversant with these scenes of profligacy and wretchedness, becomes gradually obdurate in spite of its native gentleness, and all counteracting influence of caution and reflection, just as a path, notwithstanding the vegetable influences of the season, is unavoidably worn by the perpetual feet of recurring passengers.' But in such a cause it would be wrong to despair. The astonishing success, which has, in some instances, attended a mild and gentle carriage towards the ignorant and depraved, would lead us to suppose, that if the experiment has ever failed, it has been from some mistake, or want of consistency in the application, rather than from any unfitness in the remedy itself. We need only mention, that most heroic achievement of Christian philanthropy, related by Mr. Buxton, the reformation of the female prisoners in Newgate by Mrs. Fry and her associates.

It would be impossible, within the compass of this review, to enumerate all the causes of profligacy of manners. Most of them are such as spring from idleness and poverty, and in their turns become active and powerful agents in extending these evils. For it is evident, that corruption of morals may be the cause, as well as the effect of indigence. The rich, by the little restraint, which they set on the indulgence of appetite, and the middling classes by the extravagance to which the ambition of seeming to be rich carries them, contribute much to increase the profligacy of the poor, and while they often reduce themselves to indigence, they add to the dangers and the sufferings of the indigent. Of the state of prisons, and defects of criminal jurisprudence, we shall speak hereafter. Other and copious sources of moral disorder exist, which certainly the laws, without infringing on the liberty of the subject, may do much to remedy. Henry Fielding, in his 'consideration on the increase of robberies,' reduces the causes of vice to *idleness, drunkenness and gambling*. The son of this author was one of the principal witnesses examined before the committee already mentioned. These are his words: 'My father, Henry Fielding, was an old magistrate. God knows, I have seen a good deal of the police of the metropolis; I am a very old magistrate for Westminster; I have been near fifty years standing in the

commission.' [Report, p. 185.] This gentleman says of his father, that 'his idea of the gin-shop was terrible,' and he seems to have inherited this salutary terror, for he speaks of 'the increasing gin-drinking' as one of the strongest marks of the increase of immorality. Nor do we think it easy to ascribe too much mischief to the growing evil of intoxication. The deep impression of its consequences, which had evidently been made on the minds of these experienced magistrates, is justified by the observation of every hour. Go where you will, you cannot escape the sight of this destroyer of domestic peace and public virtue. In your daily walks, in every promiscuous assembly of people, you meet its bloated, haggard form. Instead of hiding itself, it is boldly alleged as an excuse for crimes, and there is no transgression for which the offender does not think that he has sufficiently apologized, when he says, that he was intoxicated. In this state, and we believe in several others, many wise and wholesome laws have been made to check this abuse. We know not that legislation can do much more by any provisions directly opposed to the vice of drunkenness. But statutes upon this subject are more easily made than enforced, and though something may be done by a more vigilant execution of the laws, the evil, we fear, is too deeply seated, and of a nature too personal, and removed from public inspection, to yield to any thing, but to a purer state of morals generally diffused through society. A heavy tax upon domestic as well as foreign spirits is the remedy, from which most is to be hoped; but unhappily it is too much opposed by considerations of private interest, and the love of popularity in rulers, to leave much expectation of its being speedily adopted.

Gaming is another vice encouraged by the inconsiderate conduct of the rich, and almost inaccessible to the laws. No habit more rapidly draws down the character to ruin, than this. Success is more dangerous than failure, and in either case the canker of this vice eats out and destroys whatever in man's moral nature is fair and refreshing, leaving only a dry, unsightly compound of avarice, rancour and selfishness. We have said, that this evil eludes the grasp of the laws. Unhappily it is directly encouraged by them. Lotteries, so liberally granted to all who can make out a specious claim to have their private views forwarded by public aid, are a direct appeal to the spirit of gambling; a com-

mon invitation to partake in a game of hazard under sanction of the guardians of public morals. Upon this head too, we may again appeal to the sure testimony of experience. In the report already quoted, one of the magistrates examined, who discovers much practical acquaintance with the subject, combined with great sagacity and intelligence, thus expresses his opinion on the subject of lotteries. ‘Among the innumerable causes of thefts and other offences against the public peace, lotteries hold an undoubted place. It is a scandal to the government thus to excite people to practise the vice of gaming for the purpose of drawing a revenue from their ruin; it is an anomalous proceeding by law to declare gambling infamous, to hunt out petty gamblers in their recesses and cast them into prison, and by law also to set up the giant gambling of the State lottery, and to encourage persons to resort to it by the most captivating devices which ingenuity, uncontrouled by moral rectitude, can invent.’ [Report, p. 90.] We cannot forbear to quote another passage from this gentleman’s testimony, though less directly applicable to this, than to some other parts of our subject: ‘it is,’ said he, ‘decidedly my opinion, that low public houses, flash-houses and gin-shops, compose the foundation and hot-bed of nearly all the vices and crimes, which disturb the metropolis; in these, thousands consume their time, money, and constitution, and acquire insensibility to all the moral duties; from these they sally forth, to commit depredations on the public, impelled by destitution, and fired by burning liquors.’

On the subject of police, whatever comes from Dr. Colquhoun deserves great attention. In the course of his examination before the committee on police, being asked to state the causes of the increase of profligacy, he includes in his enumeration, ‘the love of dress, and the seduction of innocence;’ and he pronounces a connexion with bad women to be ‘the first stage in the corruption of morals.’ In these words, he suggested one of the worst evils, with which society is afflicted, a pestilence, which spreads wide its ravages, which debases the character, overthrows the out-works of virtue, and prepares the way for every crime that can be named. The passion for dress, in the humbler classes of females, has more to do with this mischief, than might at first be supposed; for in the display which it seeks, the



vanity it excites, and the wants it occasions, the seducer finds the best helps, in accomplishing his purposes. Once disgraced, the unhappy wanderer is driven to a course of prostitution, as the only means of supporting life. Banished from all pure society, she is compelled to live among the profligate. Intoxication soon lends its aid to complete the extinction of all moral principle, and to destroy even the sense of shame. Thus prepared, the seduced begin in their turn to be seducers. Young men, enticed by their meretricious allurements, become their easy prey. They are thus introduced to an association with the most vile and degraded of men, drunkenness and gambling follow next in succession, and thieving and robbery complete the measure of iniquity.

Can nothing be done to alleviate this alarming evil? Must it still be, that no choice is left to the young unprotected female, ‘the victim of the most base and ungenerous arts,’ but to enter the haunts of impurity, and resign herself to a course of life, in comparison with which the condition of the lowest brute is enviable? Must even our better feelings, those which repel the association of vice, be thus made instruments in promoting the progress of corruption? We believe, there is a remedy. In the Magdalen Hospital of London, we have the example of a wise and humane institution, the benefits of which have long ceased to be subjects of doubt or speculation. It was instituted in the year 1758, incorporated and enlarged in 1769, and has since continued to afford refuge and protection to numbers, who would otherwise have been irretrievably lost. ‘During the period that it has subsisted, more than two thirds of the women who have been admitted, have been reconciled to their friends, or placed in honest employments, or reputable services.’ [Highmore on Charities.] We are aware of the dangers, which many good men apprehend from an asylum of this sort. But they seem to us to be completely avoided by the regulations of the Magdalen. Before admission a strict inquiry takes place, with a view to ascertain the sincerity of the penitence which is professed. ‘The committee take particular pains to select for admission the most deserving’—‘Many are reconciled to their friends, by the interposition of the committee, even without being admitted into the house; and others are supported until a vacancy takes place, that they may not be compelled by want to return to their evil ways.’—On their first admission, the young

women are placed in a probationary ward, where they are separated according to their different descriptions. 'Each class is entrusted to its particular assistant, and the whole is under the inspection of the matron.' For any improper behaviour, indicating the want of a sincere disposition to profit by the moral discipline of the place, the offender is discharged. 'The treatment of the women is of the gentlest kind. They are instructed in the principles of the Christian religion, in reading, and in several kinds of work, and the various branches of household employment, to qualify them for service, or other situations, wherein they may honestly earn their bread. The chaplain attends them daily, to promote and encourage their good resolutions, and to exhort them to religion and virtue.'—'No young woman, who has behaved well during her stay in the house, is discharged unprovided for.'

There is one class of unfortunate females, who have generally the preference among those, who apply for the benefits of this charity. These are young women, who have been seduced from their friends under promise of marriage, and then deserted by their seducers; who have never been in public prostitution, but fly to the Magdalen, to avoid it. 'To such especially, this house of refuge opens wide its doors, and instead of being driven by despair to lay violent hands on themselves, and to superadd the crime of self-murder to that guilt, which is the cause of their distress, or of being forced by the strong call of hunger into prostitution; they find a safe and quiet retreat in this abode of peace and reflection.'—[Highmore.]

We have thought it useful to suggest these more obvious causes of profligacy, because to suppress them, or to counteract their influence, must enter into every scheme for the amendment of morals. But all attempts to banish particular vices must end in disappointment, unless combined with some general plan for the employment and instruction of the poor. Of this then, incomparably the most important theme that can engage the attention of the benevolent, we shall attempt to speak; not indeed in the hope, that it is in our power to offer a matured and digested scheme for the accomplishment of a design so vast and complicated, but that others may correct our errors, and supply our deficiencies, and that thus, after many improvements and trials, a system may at last

be attained, in some degree answerable to the pains, that shall have been bestowed, and the charitable zeal that shall have warmed the hearts of the labourers.

There are three classes of the indigent ; 1. the aged, sick and infirm ; 2. those who are able and willing to work, but cannot obtain employment ; 3. those who prefer idleness to industry, and generally are more or less depraved, and addicted to pernicious habits.

There can be no doubt, that the first are to be relieved, and provided with the comforts of life at the expense of the public, if they have not kindred, who are able to support this burthen. How to effect this in such manner, as not to encourage idleness, extravagance and licentiousness by the prospect of a retreat in sickness or old age, is the problem. It is manifestly impossible to make any accurate discrimination, founded on the previous course of life of the sufferer. The relief provided, therefore, should be only decent and moderate, and such, as still to leave room for remembering with regret the comforts of home and independence. In cases of individual sufferers, whose former lives, or the peculiar hardship of their cases, may entitle them to something more than the common and public bounty, it must be left to private sympathy to make that addition. It is absurd to suppose, that while a considerate charity is enjoined by religion, it is possible for any public institution to reach all the exigencies of this duty. It is a duty never intended to be discharged by substitutes, and providence would have contradicted itself, if any establishment of a public nature, under the government of hired officers or appointed overseers, could have entirely supplied the need of private and personal beneficence. But the most effectual remedy against this apprehended evil will be found in the provisions for compelling the idle and dissolute to labour.

For this class of meritorious poor, alms-houses must be provided. But relief at their homes, whenever their characters and habits are such as to make this measure safe, is always to be preferred to the separation of families and their removal to a public building. This mode of assisting the poor was used with great success by Count Rumford in connexion with his admirable establishment, the house of industry, at Munich.

There is one evil belonging to our system of poor laws, for which a remedy ought, if possible, to be found. In imita-

tion of the English plan, we have imposed on each town the duty of supporting its poor, and certain rules have been at different times established for determining in what town or parish the pauper has his legal settlement. This has caused two disadvantages. The first and greatest is, the endless disputes and litigations, and the multitude of nice and difficult questions of law, which have grown out of these statutes. So numerous have these been, that a distinct branch of law has been formed out of the decisions on the poor laws. The expenses incurred in the prosecution of these suits between towns must form no small part of the whole expenditure arising from paupers. Another mischief is the narrowness of the districts to which the several poor-houses belong. By the laws of this state, indeed, several towns may unite in the erection and government of a poor house. But in practice, it is most common for every town to provide distinctly for its poor, the other course being almost necessarily attended with endless disputes. The consequence of this is, that there is great inequality in the management of the poor, both as to the liberality of the provision made for them, and attention to their moral habits.

For both the evils here suggested, the only cure that occurs to us is, an establishment under the care of each state. Houses for the reception of the poor might be erected in districts sufficiently large for good management, without, at the same time, removing them to a great distance from their friends. These might be governed by regulations prescribed by a general board, who should also appoint a keeper and matron for each house. The same board might superintend and direct the houses of industry and correction, and have under their immediate government an institution for the education of poor children. Perhaps it might not be too much to entrust to them also the general regulation of prisons. All these purposes, it is probable, might be answered, and liberal and competent salaries allowed to the managers and keepers at a less expense, than is now occasioned by the system of poor laws.

Another class to be provided for, consists of those, who find no demand for their labour. It may seem strange that this evil should exist in a country where immense tracts are yet to be reduced to a state of cultivation, and where the price of labour is beyond example high. But there are several things

to be taken into view. ‘It has been computed,’ says Franklin, ‘by some political arithmeticians, that if every man and woman would work for four hours each day in something useful, that labour would produce sufficient to procure all the necessaries and comforts of life, want and misery would be banished out of the world; and the rest of the twenty-four hours would be leisure and pleasure.’ [Works, vol. 2, p. 427.]

It is impossible then for all to be employed in the mere business of cultivation. There must be other trades and employments at home, and commerce abroad. It will often happen that from sudden changes in commerce, from the caprice of fashion, or an over supply of some of the sorts of labour in a particular town or district, many will find that the skill or art, on which they depend for subsistence, has become useless. It is not to be expected, that persons so situated, will immediately seek for themselves another habitation, where their powers may be more in request. They may be too far advanced in life, may be burthened with large families, attached by various connexions, by birth and deep-rooted affection to the spot where they have lived. To this we may add, that there are many, who rather want address to procure employment for themselves, than a willingness to be employed. Persons thus situated may be greatly relieved, and saved from that most debasing resort, mendicity, by a public house of industry. Such establishments in different districts would have the power, by correspondence with remote sections of the country, to equalize in a great degree the demand for labour; and many of the labouring poor, who are obliged to live in idleness and want from the limited sphere, to which their usefulness is confined, might thus be made happy by contributing to supply the wants of a distant population, to which of themselves they would never have found access. Private contractors, it is true, may effect the same object, but they must receive a large profit, and the poor are exposed to great exactions and oppression in their commerce with such dealers. But admit even, that the labour of a house of industry is superfluous, and that no demand exists any where for the services of this portion of the people. Still the public would be great gainers in employing and paying them. They would be gainers, even if no other good effect followed than to prevent the evils of idleness. But they are gainers also by the actual produce of the la-

bour. Suppose a contractor to expend \$20,000 of capital in some new manufacture, which employs a number of workmen ; and that he is so unsuccessful that the whole produce gives him only \$15,000. He then is a loser of \$5000, but the public has gained the whole produce of the industry, which he excited ; and the money, he expended, far from being lost, has supplied food, and clothing, and shelter to many. The result is the same with a public house of industry. Its expenses will commonly exceed its receipts, but, in addition to its moral effects, which can hardly be estimated in price, there is a real addition to the public wealth.

As to the plan of such an institution, we can only briefly suggest, that its branches should be distributed in sections comprising a convenient portion of population, which might be much larger in agricultural, than in commercial districts ; that no adult should be compelled to enter it, and that great care should be taken to prevent its being considered as a place of punishment or disgrace ; that a cheap, wholesome and abundant diet should be furnished ;—and in the government of the institution great advantage might result from distinction in respect to diet according to skill and industry ;—that from the proceeds of each man's labour, of which an exact account should be kept, should be deducted a moderate sum for the benefit of the establishment, and all that he can earn above this should be given immediately to himself, or, if he prefer it, be deposited for him in a savings bank ; and that the poor, who are unable to work, should be fed from the table of the house of industry, in the manner practised by Count Rumford. Children, the care of whose education devolves on the public, might be placed here to be instructed in some useful trade, and continued in the institution, until they could be reputably employed abroad. In a large and populous city it would be, in general, best, that the labourers should still be lodged in their own houses, and retain all their family connexions, as was the case with the Munich house of industry ; and, as far as possible, the same practice should take place in country establishments.

The third class, composed of the dissolute and idle, of vagrants and sturdy beggars, are to be sent to a house of correction. It is, we think, a great evil of the existing system, that no work-house is provided, which is not at the

same time a prison. It is of extreme importance to preserve a marked distinction between establishments for the relief and employment of the deserving poor, and those which are to operate compulsorily on rogues and vagabonds. It should be as honourable to be employed in the house of industry, as disgraceful to be committed to the house of correction. It is unfortunate that labour should ever have been considered as a punishment. It is related by Mr. Buxton, that in one of the best regulated prisons, which he visited, deprivation of the materials of extra labour was used as a punishment, and with such effect, that the keeper assured him, ‘not a day passed, in which he did not receive solicitations for its return, and promises of amendment.’ [p. 85.] He says too of the *Maison de Force* at Ghent;—‘We did not see a fetter or a chain in the whole prison. The refractory are sentenced to prohibition of work, or to solitary confinement not exceeding ten days. In former times corporal punishment was allowed, but this is now dispensed with, merely, as the governor said, “because it was found to be unnecessary.” Privation of work is penalty sufficient to keep ninety-nine out of a hundred, orderly, and attentive to the rules.’ [p. 91.] Yet, it would seem, as if by our system of poor-laws, it had been intended to make labour disgraceful. On the contrary, every possible method should be employed to excite industry by the operation of those motives, which usually stimulate men, when at liberty; the desire of subsistence, the hope of enjoyment, and the love of independence. Many of the idle have never known the influence of these motives, nor the power of honest industry to contribute to their happiness; others, having gone astray, have not sufficient resolution to break from the thralldom of bad habits. Compulsion may be required at first; but if severity be tempered with that mildness, which will convince them, that their own good is really intended, the stubbornness of their characters will soon yield, and they will bless the hand, that has seasonably chastised them.

Employment, whether voluntary or compulsive, must be the chief resource of all institutions for improving the morals of the poor. It may be thought difficult to find suitable employments for this purpose. On this head, we can only refer to the long list of occupations, which are mentioned by Howard, as either actually pursued in prisons, or fit to be introduced into them. Many of these, as they require little

skill, may be very soon learned. If individuals should not be found to supply materials, and pay for the labour performed on them, it would be for the interest of the public to do this, even though some pecuniary loss should follow. Indeed, it is idle to expect, that any such institution can at once support the labourers, and pay the charges of its management. 'Some,' says Howard, 'have supposed that the profit of the work in a house of correction might support the expense of the house. But, however it may appear in speculation, in practice it is always found otherwise.'—'In the best regulated houses of correction, in Holland, taxes are fixed for their support.' [On Prisons, p. 41.]

Religious and moral instruction is an object never to be lost sight of in prisons and houses of correction. Without regular and daily devotion, and frequent admonitions to each individual adapted to his circumstances, and inspired by real solicitude for his amendment, little indeed is to be hoped. 'Kind usage to mollify the heart, and good instruction to illuminate the understanding, are the wise and only rational means of reformation; severe treatment, without any attempt at removing gross ignorance, (the almost universal economy of these gaols,) hardens their inhabitants, and prepares them for additional outrage to society.' [Wakefield, Memoirs, p. 272.] 'I know not,' says Howard, 'any reason why a house of correction may not be conducted with as much regularity as any other house, where the family is equally numerous. Some foreign bridewells are so conducted. The hours of rising, of reading a chapter in the bible, of prayers, of meals, of work, &c. should all be fixed by the magistrates, and notice of them given by a bell. A chaplain is necessary here in every view. To reform prisoners, or to make them better as to their morals, should always be the *leading* view in every house of correction, and their earnings should only be a *secondary* object. As rational and immortal beings we owe this to them, nor can any criminality of theirs justify our neglect in this particular.' [On Prisons, p. 44.]

If any one doubt whether pure religious worship can be offered in prisons, let him read Howard's account of the sabbath service in the rasp-house at Rotterdam. We have seen few descriptions more truly affecting, and that man is not to be envied, who could read it, without heartily



joining the benevolent author, when he says, ‘I cannot close this account without mentioning the ardent wishes it inspired in me, that *our* prisons also, instead of echoing with profaneness and blasphemy, might hereafter resound with the offices of religious worship, and prove, like these, the happy means of awakening many to a sense of their duty to God and man.’ [On prisons, p. 50.]

Cleanliness, separation and classification are all objects no less important in houses of correction, than in prisons.

The earliest establishment of a house of correction appears to have been that of Bridewell-Hospital in London. It was founded in the reign of Edward VI. at a time, when the dissolution of the monasteries had filled the capital with thousands of persons who were fit objects for relief or correction. In 1557 rules for the government of this institution were prescribed by the citizens of London, and the true uses of such an establishment could hardly be better expressed, than in their language. It is, say they, ‘an house of contrivance for the suppression of idleness, the enemy of all virtue, and the nourisher of good exercise, which is the conqueror of all vice’—‘to succour and relieve all the poor of the city, and banish and put away beggary, which in effect is idleness’—and in the same spirit the governors are directed, when the one half of the prisoners should be relieved from their task in the mill, to cause them ‘to be forthwith occupied in the making of tile-pins, which is a work of no great labour, and yet commendable for excluding that hateful enemy, idleness.’

Many things remain to be said on the subject of laws for the relief and correction of the poor, which we must reserve for some future occasion, when we may treat of them separately with that attention, which the subject requires. In the preceding remarks we have only suggested such hints as seemed applicable to our present purpose.

The education of orphan and destitute children, and of those whose parents are poor or profligate, next demands our attention. We approach this subject with timidity, for we feel that it is embarrassed with difficulties only equalled by its importance. We believe it, as we have already intimated, to be that point, on which the lever must rest, that is to move the world, ‘Train up a child in the way he should go, and when he is old, he will not depart from it.’ Often as these words have been quoted, and trite as they may seem, we fear

not to quote them again. They contain a lesson of moral and political wisdom, that cannot be too deeply imprinted on the minds of all, who have any concern in governing or reforming mankind. When we see in our streets, 'herds of little vagabonds,' spending their days in idleness and beggary, wrangling among themselves, half clothed and half fed, covered with rags and filth, and offending our ears by profaneness and indecency, it is impossible not to reflect how much of misery and of crime might be spared, if these pupils of vice could be removed to some well-ordered seminary for the poor, where they might be trained to some useful and industrious occupation, furnished with the knowledge necessary for their station in life, and accustomed, by a mild yet steady discipline, to habits of order, cleanliness and peace. The institution of Fellenberg in Switzerland, has happily furnished an example, from which many useful hints may be drawn, at the same time that his success gives great confirmation to our hopes. We shall not attempt to furnish a complete plan of such an establishment, but confine ourselves to suggesting some leading views of its nature and design.

Agricultural occupation is at once the most favourable to health, the most useful in its moral influence, and the best suited to our condition and circumstances as a people. It has besides the advantage of having been successfully tried by the gentleman just mentioned. Above all, it is that occupation which affords the most frequent occasions for conveying religious impressions to the youthful mind. What scheme then can be more rational or practical, than that of a public farm, or a number of farms, where children of both sexes, but kept entirely distinct, may be taught the various arts connected with husbandry; and, under a mild and paternal management, in the pleasurable exercise of all their faculties, may be educated like a well governed family. Other pursuits, besides such as are merely agricultural, might be introduced for those, whose temper or genius should seem better fitted for them. Fellenberg's system supplies the general outline of such an institution, and leaves us nothing to add. We shall barely remark, that experimental farms might be easily combined with these establishments for education, and thus two important objects might at once be gained.

But it may be asked, by what means will you remove children from parents, who may insist on retaining them?

We reply, that in the first place this difficulty, if it really exist, is not an objection to the proposed institution, because there are many children, who, by death or desertion, are deprived of parental care, and many, whose parents are themselves supported by the public alms. No obstacle can occur as to these. In the next place, by our existing laws, the overseers of the poor are empowered in many cases, against the will of the parent, to bind out poor children as apprentices. [Mass. Stat. 1794, ch. 59. sect. 4.] They may even bind to service for a term not exceeding one year, adults, 'who have no visible means of support, who live idly, and use and exercise no ordinary or daily lawful trade or business to get their living by.' *A fortiori*, one would think, the children of such may be put into a reputable employment. Add to these, the children of all persons convicted of infamous crimes, of notorious drunkards and spendthrifts, and of all those who may be sent to the house of correction, all children found begging in the streets, and all who may be convicted of any criminal offence, and it is probable, that very few will be left to grow up in vice and ignorance. But still farther, as the laws provide free schools for children over a certain age, it would be perfectly consistent with parental rights, that all such as do not regularly attend some public or private school, should, unless it can be made to appear that they are properly instructed at home, be sent to the proposed institution.

The same gentleman, whose testimony before a committee of parliament we have before quoted, expressed in the course of his examination an opinion upon this subject, which contains much good sense, and states very clearly the grounds and limits of public interference in the relation between parents and children. We shall insert the questions and answers.

'In your former evidence, you gave an opinion in favour of establishing asylums for deserted children. If such asylums were formed, what legal powers would you think necessary for the separation of such children from their bad connexions? I assume as a principle, that when the authority, with which parents are naturally invested for the well-being of their children, is grossly neglected or perverted to their harm and that of society, the good of both requires that it should cease; and that society, to which these children are to become an aid or a disturbance, in self-de-

fence ought to stand in the parents' place ; and put the children in the way of becoming useful members of society. I should therefore propose, that any peace or parish officer should be empowered to take children begging or wandering in indigence, before a magistrate ; the magistrate in his discretion to commit provisionally. If in a certain time the parents do not claim the children, and give satisfactory assurance of their capacity and disposition to take care of them, that two magistrates may then make an order for the settlement of the children permanently ; all right of the parent over the child then to cease, all access to be denied, and a new surname to be given to the child in the place of its paternal one ; provided that the children may be restored to their parents upon proof of subsequent ability and inclination to bring them up in the right way.'

'Do you not see, that in a great population, which is one of the causes of the distress arising among the lower orders of people, and the consequent crime which follows upon such distress, you would by this means give a bounty to parents to desert their children, as well as a bounty to early marriages, without having the means of supporting the offspring, the result of them ? I think not. I think that the disgrace of having their children separated from them, upon the grounds and in the manner I have stated, could never be anticipated as a motive of encouragement to early marriages ; and I think further, that no parents, excepting the extremely profligate, would be induced to abandon their children in consequence of the asylum which I advocate.' [Report, p. 358. Examination of J. T. B. Beaumont Esq.]

We shall here add, as confirming in the strongest manner the importance we have attached to education, as a means of reform, the testimony of Robert Owen Esq., who stated that during twenty-five years, he had constantly had under his direction 'from five hundred to upwards of two thousand' of the working class.

'From long experience and attention to the subject, what general measure have you found to be the best aid to your system of domestic police ?—The most efficacious, and that which I am now satisfied from experience will be certain in its beneficial effects, is a well devised system of training and instruction for the poor and working classes, I mean one that shall directly apply to form the habits and dispositions of children from their infancy.' [Report, p. 350.]

Such being the acknowledged importance of a system of

education for the children of the poor, it is not easy to account for the fact, that so little has been done, or even attempted, in this branch of public economy. Had ingenuity been exhausted in restless and persevering efforts to contrive and perfect such a system, it could not have been said that the zeal displayed was disproportionate or unwise. What then shall we think, when, instead of this zeal, we see communities and legislatures looking with apparent unconcern upon the ignorance and idleness, in which multitudes of children pass those years, that give a lasting form to the character,—when we see them adding to the number and force of those causes, which make vice congenial to the youthful mind? It is time, that attention to this subject should be thoroughly aroused, not to subside again, till it appear that to persist would be folly, and that to despair is wise.

Many other causes of depravity demand our notice, of which the limits of this review forbid us to treat. The indiscriminate admission of strangers is not among the least of these. It is in vain to purify our own manners, and guard against the growth of crimes, if we are continually exposed to an influx of profligacy from abroad. But we must content ourselves with this suggestion.

We pass to the subject of prison-discipline. Of this too, the bounds we must prescribe to ourselves, oblige us to speak much less copiously than we at first intended. But perhaps it is unnecessary. The works of Howard contain, we believe, all that reason and experience, joined with the most active benevolence, could suggest for the improvement of prisons. That their effect has been so partial is as melancholy as it is disgraceful. Mr. Buxton's work is one of great merit, comprising in a small compass a most animated picture of the state of English prisons, enforcing, with the eloquence of unfeigned charity, the necessity of reform, and pointing out in the most satisfactory manner the defects to be remedied. The influence of such a work ought not to be confined to the country, for which it was written. Here, too, the state of prisons, and the whole system of prison-discipline, are a reproach to our laws. In most of the populous cities of the United States, the gaols and bridewells are crowded with prisoners, suffering under every species of moral and physical evil; and no where, except in penitentiaries, has there been any attempt to make imprisonment

salutary, or even to guard against the dangers peculiar to places of confinement.

Imprisonment is either for security, or punishment. Accused or suspected persons and debtors are merely restrained of liberty, that their persons may be forth-coming. Convicts are shut up from society, that the example of their suffering may excite in others a salutary fear, and that they themselves may, by solitude and reflection, be brought to a sense of guilt.

It will at once be admitted, that those who are only accused or suspected, ought to be exposed to no other evil, than the mere restraint of their persons, till they can be tried. It may be, that the charge is groundless. If so, the accused person ought speedily to be restored to his liberty, his family, his enjoyments and his reputation, without carrying with him disease of body, or corruption of heart, which may render his whole future life miserable. He has a family and kindred, perhaps, depending on his industry. By what right will you take from them a husband, father, son, or brother, on whom all their earthly hopes rest, to return him, with his innocence indeed vindicated, but with ruined health, and polluted mind, to be forever after their burthen instead of their stay?

The same remarks will apply to debtors. Insolvency is often the result of calamities, against which no prudence can guard. In other instances, it is caused by indiscretion, or negligence; by want of foresight, or by a sanguine, adventurous disposition, the fault of the temperament rather than of the heart. With what pretence of reason or justice can persons, thus unfortunate, be condemned to dwell for months in the midst of filth and of wickedness, brought into contact with the vilest of mankind, and compelled to waste in idleness those hours, which might be usefully employed for themselves, their families and their creditors? May we not say with Lord Kaimes; ‘One would imagine love of riches to be the ruling passion in a country, where poverty is the object of so great punishment.’

Nor is it less contrary to reason and good policy, that the process of punishment should be a process of corruption; that while the criminal is chastised, the propensity to crime should be increased; and that an offence, indicating perhaps no malignity of heart, should expose the offender to a trial, from

which, without a miracle, he will not escape unhurt. Example and reformation are the ends of punishment. All suffering, not tending to these, is forbidden alike by law and humanity. Torture is banished from our system of criminal justice, and who would not shudder at the thought of its revival? But the state of our prisons subjects their wretched inhabitants to a slow and lingering torture, worse, many times worse, than that of the rack. It is an anguish of the body and of the mind, which few are hardy enough long to endure. And when its victory is complete, when the heart sinks, when every nobler faculty is subdued, and a moral night has taken possession of the soul, who then shall heal the wounds, which human policy has made? Then, indeed, you may throw open your doors, and say to the fallen man, ‘depart and go in peace.’ But you have ‘removed his soul far off from peace.’ He may return to his former abode, but to him it is no more the abode of happiness. He has contracted in your cells a distaste for all that he once loved; he believes himself hated, and, in his turn, he hates; his old connexions and habits are broken off; he tries in vain to resume them; and he flies at last to the companions of his prison-hours, to join in their revels and their crimes, and to forget in their society both what he was, and what he has become.

That such are the effects of our mode of imprisonment in common gaols, might easily be proved by the unerring testimony of fact. We shall, in what remains of this article, briefly point out some of the principal defects. And first, idleness. Of the moral tendency of this we need not say more, than we have already done. In every gaol there should be room for employing all the prisoners, those who are under sentence by compulsion, and others by their voluntary choice, if, as we believe would generally be the case, they should prefer occupation to solitude and inaction. And to stimulate them, it is necessary, that a part of the profits of the labour result immediately to their own benefit.

2. Want of cleanliness. This is all important, as it respects the health and comfort, as well as morals of the prisoners. To promote cleanliness, gaols should be built near to some running or tide water. Another benefit may be gained by employing the prisoners by turns in the work of cleansing, increasing at the same time their allowance.

3. Free air and exercise. Of these there is no reason for depriving prisoners, unless they are condemned to suffer death by the deprivation of common blessings.

It is obvious, that to promote these views, all prisons should be erected out of populous towns, where there may be room enough for employment and exercise, and an unrestrained enjoyment of light and air.

4. Religious and moral instruction. The want of this is a most serious reproach. No one can question the duty of using every possible means for reforming the offender. Yet this is a duty universally neglected. ‘The minds of these prisoners,’ says Wakefield, ‘are in general deeply imprinted with the plough of adversity and sorrow—but there is no seasonable husbandman to scatter in the furrows the seeds of virtue.’ Mr. Buxton relates an interesting and encouraging instance of the effect of employment and instruction on a boy.

‘I happened to see a boy, whom I had known in Newgate, where he was to be found before every session, and where he bore the worst character for violence and wickedness. I well recollect feeling much compassion for him, in the persuasion, that judicious discipline might still reclaim him—circumstanced as he was, when in prison, placed in the centre of evil and corrupting associates—when out of prison, ignorant of every method of obtaining an honest livelihood; I could consider him in no other light, than as a wretch reared for the gallows. His fate, however, has, I trust, been arrested. He has now been three months at the Penitentiary. He told me with evident pride, that he could already make a pair of shoes—that he earned from three to four shillings weekly—and for his character he referred me to his superiors. From his task-masters I heard that he was quiet, attentive and industrious; and the chaplain described him as a boy, of whom he entertained much hope.’ p. 119.

5. Separation and classification of prisoners. In the present economy of our gaols, this is not attended to, and indeed, where the prisoners are numerous, it is impracticable. It is obviously unjust and impolitic to confine the suspected person, who is only waiting his trial, in the same room with convicts, or to suffer any communication between them. And among the suspected even, there should be a separation between persons known to be of vicious character, and those who have neither been before convicted, nor have given



proofs of a depraved heart. There should also be a separation founded on the nature and different degrees of malignity of the crimes. To place a man, who, in the sudden heat of passion, has been guilty of an assault, in the same ward or apartment with thieves and counterfeiters, is shocking to common sense and humanity. It is also plain, that the moral benefits of confinement cannot be obtained without such seclusion, as will give the offender opportunity for reflection. At night, therefore, the prisoners should be solitary. The propriety of entire separation between the different sexes, is too obvious to need remark. Yet even this is not enough attended to. But it is most important, that the young should be separated from the old, and the less vicious among the young from the more corrupt. It is known to us, that in one place at least, and we think it probable it is the same in all our populous cities, this evil is so apparent, that it is with great reluctance, that magistrates ever commit boys. But it must often be done, and it is painful to think of the ruin of character, which must be the effect of exposure to such evil associations. We may here refer to the extract from Mr. Buxton, inserted in a preceding page. [p. 298.]

6. *Infirmaries.* No prison should be without this provision for the sick. It is important both to the diseased and the sound, that they should be separated. To be ‘sick and in prison’ conveys to the mind almost the full extent of human misery. Nothing should be omitted, that can alleviate it.\*

There is another improvement in the economy of prisons, which seems to us recommended by the strongest considerations. It is a very frequent remark of Howard, that wherever the women’s apartment was superintended by female inspectresses, he observed a most gratifying decency and

\* The following information has been communicated to us by a friend, whose knowledge is the result of personal observation. It may tend to shew, that the improvements suggested are at least practicable. There are 11 prisons on the continent of Europe, and 6 in England, situated without the cities, to which they are attached—11 continental prisons situated on rivers, besides the French prisons, which are generally thus placed, and there are 9 so placed in England—20 continental prisons, in which a system of industry is pursued by convicts, and in some, *by debtors*, and 10 such in England—25 continental prisons which possess infirmaries, and 26 in Great Britain—22 continental prisons, which have chapels, besides the French prisons, in which mass is daily performed; 9 in London, and 42 in the other parts of Great Britain.

cleanliness. The Dutch prisons were, in his time, by far the best governed, and exhibited in many instances the pleasing appearance of a well-ordered family. The male prisoners looked up to the Father, as with Dutch simplicity they called the gaoler, and the female prisoners to the Mother, with affection and respect. Kindness had established an influence, which whips and dungeons could never have procured. In Holland, we are told by Howard, great good is found to result from governesses attending the prisons; 'each house has four, who take the charge of inspection.' In the Hamburgh house of correction, it is required that the regents or governors be married men, and the wives assemble to inspect the condition of the women, and to deliver out work to them, at the same time, that the husbands, in another apartment, examine the general state of the prison, and give directions for its management. Would it not then be wise to provide by law for appointing matrons to have the immediate care of female prisoners in every gaol, and house of correction?—Perhaps too, it might be useful to authorize the appointment of a board of female visitants, to be composed of such as benevolence might induce to undertake the task, who, like the 'Ladies committee of Newgate,' should attend to the employment and moral instruction of prisoners of their own sex.

It would also be attended with great practical benefit, if care should be taken to provide every discharged prisoner with employment or immediate subsistence; and not, as at present, to send him from the gaol destitute even of the means of supporting life. Before he can resume any industrious occupation, he is almost forced, by the calls of hunger, to seek the haunts of vice, and to supply his wants by fraud or robbery. The extent of this evil is incalculable. It may be illustrated by the reply of Barrington to the monitory address of Chief Baron Eyre. 'My Lord, I have paid great attention to what you have been stating to me after my acquittal. Now, my Lord, I have only this reply to make; I am ready to go into any service, to work for my labour, if your Lordship will but find me a master.'

It may be objected to these plans of reform, that they cannot be carried into effect without great expense. We shall answer in the words of Howard. 'Money, to the amount of thousands, is not withheld when shire-halls and town-halls are wanted; these we see grand and elegant edifices; why

should it be spared, when the morals and lives of multitudes are at stake ; and when it is impossible the design of the legislature should be answered without it ? I mean, amending the manners of petty offenders ; preventing the spread of diseases, and the increase of felonies.' The language of Mr. Owen upon this subject, in his examination before quoted, is too impressive to be omitted here. After stating that during four months, while, by the shutting of the American ports in 1808, the numerous workmen in the manufactory of cotton, of which he was a proprietor, were unemployed, they still received full wages, and that the amount thus expended was £7000, he is asked, 'upon what principle did you recommend this measure?' He replied, 'upon the principle of preventing crime, and its consequent misery ; because if the poor cannot procure employment, and are not supported, they must commit crimes or starve ; and *I have always considered that £7000 to have been more advantageously expended than any other part of our capital.*' [Report, p. 349.]

Let this example forever silence the objection, that the expense of any measure, which effectually tends to the amendment of morals, and the prevention of crimes, is too great. Let us not be behind other nations in adopting improvements, enjoined by charity, as well as by interest. In France an effort is now making, which we may do well to imitate. A late *Moniteur* contains a royal ordinance, approving the institution of a 'Royal society for the amelioration of prisons.' Of this society, the king is protector. Its operations extend over the whole kingdom. Its functions are 'to communicate to the Minister of the Interior their sentiments upon every part of the administration and internal management of the prisons of the kingdom, and especially in what relates to classifying the prisoners according to their age, their sex, and the nature of their crimes ; the various kinds of labour proper to be adopted in prisons ; the distribution of the profits of that labour ; the internal discipline of the prisons ; the health, safety, religious instruction, and moral reformation of the prisoners, together with their food and clothing ; lastly, the enlargement, general construction, and alterations, which may appear necessary or useful in the buildings themselves.' [Lit. Panorama, May, 1819.]\*

\* A Paris paper of 12 June 1819, contains an extract from a work of M. A. de Laborde, lately printed in that city, entitled, '*Memoire sur* Vol. IX. No. 2.

May we not, then, indulge the hope, that the time has arrived, when those ‘caverns of oblivion,’ as Dr. Johnson has well called them, to which so many are daily consigned, shall no longer be filled with misery unseen and unthought of; but that even their secluded cells shall be penetrated by the rays of benevolence, and the heart of the captive be soothed and softened by the gentleness of compassion? May we not once more call upon those, to whom the public purity and morals are given in charge, ‘to hear the groaning of the prisoner; to loose those, that are appointed to death?’



ART. XVII.—*The Sketch Book of Geoffrey Crayon, Gent.*  
No. I. No. II. New York. C. P. Van Winkle, 1819.

WHEN Launcelot Langstaff, Will Wizard, and Anthony Evergreen first appeared before the public, they made known that ‘they should not puzzle their heads to give an account of themselves, for two reasons; first, because it was nobody’s business; secondly, because if it were, they did not hold themselves bound to attend to any body’s business but their own;’ and the most that could be gotten from them was, ‘there are three of us, Bardolph, Peto and I.’ This cavalier air, together with the mystery, and the bold declaration, ‘we care not what the public think of us,’ put the public upon guessing and thinking about them and nothing else. Whether it was the sagacity of the people, or that eagerness to be found out, which we see in little children at hide-and-go-seek, which discovered them, we cannot tell, but it was not long before the authors of *Salmagundi* were as well known as their writings. Probably the secrecy was a mere matter of sport, and that after it had served its turn, they cared little whether they were known or not. It is now well understood who the gentlemen were, and that Mr. Washington Irving was the principal contributor to the work. *Knickerbocker*, which was published not long after, was written wholly by him, as are also the numbers of the *Sketch Book* which have just appeared.

Though the surest way of judging of a man’s talents is

*les Prisons.* In this extract there is a horrible picture of the state of prisons in Paris.